

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

535C0487

HOUSE ENGROSSED NO. **HB1091** - 2/3/99

Introduced by: Representatives Brown (Jarvis), Crisp, and Hunt and Senators Whiting, Everist, and Moore

1 FOR AN ACT ENTITLED, An Act to provide that stipulations regarding the value of an estate
2 being probated and decrees regarding the inheritance tax due be sealed.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 10-41 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Upon request of the person filing the report described in § 10-41-17, the stipulation of the
7 value of any property of the estate as described in § 10-41-32 and the decree of the court as
8 described in § 10-41-33, shall be sealed and may not be disclosed except by order of the court.
9 However, the stipulation and decree shall be available to employees of abstractors licensed
10 pursuant to chapter 36-13, employees and agents of title insurance companies licensed pursuant
11 to chapter 58-25, attorneys who are licensed to practice law pursuant to chapter 16-16 and who
12 are representing a relative of the decedent within the third degree of kinship, the spouse of the
13 decedent, joint tenants of the decedent, any intestate heirs of the decedent which relationship
14 shall be established by sworn affidavit, and such other interested persons as the court may order
15 upon a showing of the need therefor. Nothing in this chapter prohibits the Department of
16 Revenue from collecting and reporting information on the type of property transferred by

1 inheritance if the information is statistical, anonymous, and reported as statewide, aggregate
2 information.

3 Section 2. The Department of Revenue may collect and report information on the type of
4 property transferred in probate. The reports shall distinguish between real property and personal
5 property.

1 **BILL HISTORY**

2 1/21/99 First read in House and referred to Judiciary. H.J. 108

3 1/27/99 Scheduled for Committee hearing on this date.

4 1/27/99 Judiciary Do Pass Amended, Passed, AYES 10, NAYS 0. H.J. 206

5 1/27/99 Judiciary Place on Consent Calendar.

6 2/1/99 House of Representatives Deferred to another day. H.J. 292

7 2/2/99 Motion to Amend, Passed. H.J. 322

8 2/2/99 Motion to Amend, Passed. H.J. 322

9 2/2/99 House of Representatives Do Pass Amended, Passed, AYES 69, NAYS 0. H.J. 322